

Response dated March 21, 2006
Response to Office Action mailed 11/16/05

Application No. 10/614,313

REMARKS

The Advisory Action of February 22, 2006 has been reviewed and the comments therein were carefully considered. Claims 1-24 stand rejected. No new matter has been introduced into the application. As explained in more detail below, Applicant submits that all claims are in condition for allowance and respectfully requests withdrawal of the rejections.

Independent Claim 1 and Dependent Claims 2-17

Claim 1 is rejected under 35 USC §103(a) as being unpatentable over Wager, et al., in view of Campanella.

Applicant notes that amendments have been made to claim 1 in order to clarify that method of claim 1 and dependent claims 2-17 applies to a system involving multiple base stations and a wireless terminal – no new matter has been added. As previously argued, neither Wager nor Campanella discloses broadcasting bursts of data packets from multiple base transceiver stations to a terminal. Therefore, for at least this reason, independent claim 1 and dependent claims 2-17 are in condition for allowance.

In the Advisory Action of February 22, 2006, the Examiner indicated that limitations from the specification are not read into the claims and that an amendment to clarify which features from the specification are claimed would be necessary. Applicant submits that the amendments to claim 1 provide the clarity that the Advisory Action indicated was necessary.

Furthermore, Applicant respectfully disagrees that there is proper motivation to combine Wager with any teachings related to FEC codes because Wager states that the problems with FEC include the requirement of "the addition of redundant bit information within the transmitted bit stream." (Col. 1, Ins. 39-41). The Advisory Action states that Wager uses a scheme in conjunction with existing FEC. However, as evident from the specification, Wager discusses the problems with FEC (as mentioned above) and proposes a new error correction technique. (See Col. 1, Ins. 47, "problem with these techniques... presently utilized for error correction is the ... overhead... FEC techniques require the addition of redundant bit information... a need has arisen for an improved error correction scheme that does not require the utilization of additional overhead"). Applicant respectfully submits that because Wager teaches away from using FEC

Response dated March 21, 2006
Response to Office Action mailed 11/16/05

Application No. 10/614,313

codes, combining Campanella with Wager would destroy the primary reference that teaches away from doing that which the combination of the two references would necessitate.

Furthermore, Applicant believes that claim 1 is allowable for at least the following additional reasons. Wager provides error correction during a soft handover process wherein a mobile station sends a plurality of versions of a single data block to a plurality of base transceiver stations, which then send the plurality of data blocks causing the data blocks to be received at a radio network control node. In claim 1 of the present application, bursts of data packets are broadcast from the base transceiver stations to a wireless terminal. Therefore, Wager discloses a method that is only possible in the uplink of a point to point transmission whereby the system includes one transmitter and several receivers. In contrast, claim 1 relates to a downlink whereby the system includes one receiver and several transmitters.

Additionally, Wager discloses use of a packet combining technique, requiring receipt of at least two copies of a data packet and the combination of at least two of the received versions of the data blocks to create a substantially error corrected version of the data block. Wager discloses a bit-level analysis to correct errors in the packet. Claim 1 of the present application relates to replacement of complete packets rather than bit-by-bit correction of packets received with errors and does not require two copies of the data to correct errors. Therefore, combining forward error correction with the invention disclosed in Wager would not result in the invention claimed in claim 1.

Applicant respectfully requests withdrawal of the rejection for at least these reasons. Dependent claims 2-17, which ultimately depend from independent claim 1, are allowable for at least the same reasons as independent claim 1.

Independent Claim 18 and Dependent Claim 19

Claim 18 is rejected under 35 USC §103(a) as being unpatentable over Willenegger in view of Schuster.

Schuster discloses communication of substantially real time media signals over the Internet using an error correction scheme. However, claim 18 of the present application is directed to "a wireless terminal that receives data from a wireless system . . ." (Emphasis

Response dated March 21, 2006
Response to Office Action mailed 11/16/05

Application No. 10/614,313

Added). The Advisory Action states that Willinegger discloses hand-over of wireless terminals in wireless systems and error correction methods and that "Schuster is relied on to disclose usage of FEC codes." Applicant has reviewed paragraph 29 of Willinegger and did not see any reference to error correction. Applicant respectfully requests the Office to please identify where in paragraph 29 error correction is disclosed if the Office is going to maintain this rejection. Furthermore, Applicant respectfully asserts that neither paragraph 29 nor any other portion of Willinegger, alone, or in combination with Schuster teaches the use of FEC codes for error correction in a wireless system as taught by independent claim 18.

Additionally, Applicant respectfully submits that a *prima facie* case of obviousness to combine Willinegger with Schuster has not been made. No portion of Willinegger or Schuster is pointed to as providing motivation to combine one reference with the other. Applicant respectfully requests withdrawal of the rejection for at least these reasons. Dependent claim 19 which depends from independent claim 18 is allowable for at least the same reasons as independent claim 18.

Independent Claim 20 and Dependent Claims 21-23

Claim 20 is rejected under 35 USC §103(a) as being unpatentable over Willinegger in view of Strawczynski.

Applicant notes that Amendments have been made to claims 20-23 in order to clarify that the FEC codes are variable, thus providing the desired degree of robustness that corresponds to the service. As stated previously, neither Willinegger nor Strawczynski discloses varying the FEC code to provide a desired degree of robustness corresponding to the service. Therefore, for at least this reason, independent claim 20 is in condition for allowance.

Applicant respectfully requests withdrawal of the rejection for at least the above discussed reason. Dependent claims 21-23, which ultimately depend from independent claim 20, are allowable for at least the same reason as independent claim 20.

Response dated March 21, 2006
Response to Office Action mailed 11/16/05

Application No. 10/614,313

Independent Claim 24

Claim 24 is rejected under 35 USC §103(a) as being unpatentable over Strawczynski in view of Schuster.

The Office Action states that Strawczynski discloses the claimed feature of "(d) determining packet numbers that are associated with received packets of the second burst, wherein the packet numbers correspond to a transmitted packet ordering." Applicant respectfully disagrees, as Strawczynski at Column 5, lines 50-55 and Column 6 lines 47- Column 7, line 10, the portion of the reference cited by the Advisory Action, fails to disclose this feature. Neither Strawczynski nor Schuster discloses determining packet numbers for packet ordering based on the order the packets were transmitted as claimed in claim 24. Therefore, for at least this reason independent claim 24 is in condition for allowance.

Applicant respectfully submits that the instant application is in condition for allowance. Should the Examiner believe that a conversation with Applicant's representative would be useful in the prosecution of this case, the Examiner is invited and encouraged to call Applicant's representative.

Respectfully submitted,

Date: March 21, 2006

By: 

CHARLES L. MILLER
REG. NO. 43,805
BANNER & WITCOFF, LTD.
10 South Wacker Drive
Suite 3000
Chicago, IL 60606
Telephone: 312-463-5000
Facsimile: 312-463-5001